## THE KANSAS CONFERENCE BILL.

REMARKS OF HON. W. W. BOYCE,

constitution; we only vary the mode of obtains sult. The first objection of the gentleman sippi is, I submit, unfounded.

I now to the second objection. This requires mided consideration, and involves a wide range tation on constitutional law, which will furk, a satisfactory answer to the objection.

Torial legislature of Kanass called a convenime a 1 ste constitution.

Service which is the contract that the contract of the contract that the contract th

not upon us.

It may be said that the people of a Territory have a right to admission as a State into the Union. I admit this to be true to a certain extent; but it is a right which cannot be urged to the injury of the existing States. In the case of Kansas it has been thought the claim for admission was strengthened by the provisions of the treaty acquiring Louislans, as follows:

"The inhabitants of the ceded territory shall be incorporated in the Usion of the United States, and admitted as soon as possible, ac-ording to the principles of the federal constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States."

substant was strengthened by the provisions of the treaty of copining to the policiants, as follows:

"The inhabitants of the coled territory shall be incorporate for the inhabitants of the coled territory shall be incorporate for the inhabitants of the coled territory shall be incorporate for the inhabitants of the coled territory shall be incorporate for the provision of the

ereignty, and implies that no government ignoring the lie land, nor tax the and implies that he garross over the Territories fully be instituted there without the cossent of Upon this point we have the authority of Mr. who said, in the case of Michigan:

That the constitution is anti-rewith the federal constitution.
 That the boundaries are not sa
 That the right of the general public lands is disregarded.

4. That the population is not sufficient.

5. That the people of the Territory are unfit for self-government.

In reference to the first ground of rejection, suppose a State should insert a clause in her constitution establishing titles of nobility, or prohibiting the rendition of fagitive slaves; surely Congress might decline to admit her. Again: suppose a State should extend her boundaries over all the Territories, or an undue portion of them: could not Congress reject her application? Or suppose a State confiscates all the public lands within her boundaries: shall she be admitted? Surely not; because the public lands belong to the States for their common benefit, and Congress, as the trustee for the States of these lands, could not, without a gross dereliction of duty, abandon them to the exorbitant demand of an unscrupulous State. Suppose five hundred men apply for admission as a State: shall they be admitted? Custainly not. Then population is one of the just grounds of rejection. Suppose the people of Utah apply for admission: is Congress obliged to receive them? I think not, and I say this not from their peculiar faith, but from their government being a spiritand despotism, which I think unfits them for the proper administration of the republican form of government.

So much on the principles of constitutional law applicable to the admission of new States. I propose now to make a practical application of these principles to the case of Kansas.

1. Kansas is not a State out of the Union, but a Territories.

of that State, in the case of Hicks at Bell, (3 California Reports, 219, 227,) have decided that the mines of gold and silver on the public lands are as much the property of the State of California, by virtue of her sovereignty, as are similar mines on the lands of private citizens. The court in this case says:

"In reference to the ownership of the public lands, the United States only occupied the position of any private proprieter, with the exception of an express exemption from State laxation. The nimes of gold and silver on the public lands are as much the property of this State, by writtee of her sovereignty, as are silver mines on the lands of private citizens. She has, therefore, solicy the right to authorize them to be worked, to pass have for their regulation, to license miners, and to affix such terms and conditions as she may deem proper to the freedom of their use."

ALLOWANCES TO FOREIGN MINISTERS FOR DIFFERENCE OF EXCHANGE.

Sin: I have the honor, in compliance with your request of the 13th ult., to enclose herewith the report of the Comptroller showing the rules established by this department for any allowance to diplomatic officers and consule on account of losses by exchange.

Very respectfully, your obedient servant,

HOWELL COBB,

Secretary of the Treasury.

Hon. John Slidbil, Committee on Foreign Relations,

Senate United States.

over, in fact, been sustained. The questions of the the brilly of this government and the duty of the secondary of the property of the 23th August, 1857—copy herewith marked P—to which, on a full examination of the subject, you replied that "the regulations of the consultations of the United States, predicted or surface of the United States, predicted or surface of the subject, you replied that "the regulations of the consultation of the cons

had he been at his foreign post and demanded payment here, he would have been antitied to any loss that is night have sustained in obtaining the \$750: but having been in the United States, and received payment such treasury as other officers, he does not seem to have ustained any actual or real loss.

I am, sir, very respectfully, your obedient servant,

W. MEDILL, Comptroller.

January 7, 1857.

Six: The practice of settling the accounts and salaries of foreign ministers, consuls, and commercial agents, not having heretofore been uniform, nor the construction of the acts of Congress settled by regulation, the question has been considered, and I deem it proper to direct that the salaries of foreign ministers, when paid at the treasury of the United States, shall be paid as all other officers whose salaries are fixed by law—in the standard gold coinage of the United States; and when paid or received by means of drafts or otherwise, in foreign countries where they are accredited, located, and paid, they shall be entitled to payment in a gold or silver currency of equal value to the gold coinage paid at the United States treasury, and that, hereafter, the accounts of foreign ministers, consuls, and commercial agents be settled and paid accordingly, until Congress shall otherwise provide.

I am, very respectfully.

I am, very respectfully, JAMES GUTHRIE. M. McConner, Esq., Fifth Auditor of the Treasury.

TREASURY DEPARTMENT,
May 16, 1857.
Sin: In answer to your letter of the 13th instant, asking my decision upon the extent of the instructions of my predecessor, dated 7th January, 1857, relative to the settlement of the salary accounts of foreign ministers, &c., I have to state the general rule, that no decision upon any account or claim heretofore made will be reopened in regard to the principle involved.

Whenever new facts which may affect the application of a decided principle shall be presented in any case, it will be considered as such exceptional circumstances may require.

The instructions of my predecessor referred to are predicated upon existing laws, and must govern in cases prior to their date as well as subsequent. You will, therefore, in deciding upon the adjustment of the accounts of foreign ministers, consuls, and commercial agents of the United States, recognize the gold or silver currency in which they are paid as of equal value to the gold coinage paid at the United States treasure.

The question is so plain to my mind that I must decline to refer it to the Attorney General.

The regulations for consular effects of the United States, predicated as they are upon the law regulating the diplomatic and consular systems, indicate very clearly that only the actual loss by exchange on the sale of drafts on the Secretary of State will be allowed, and this view is strengthened by the fact that the form of certificate, which is relied upon to sustain the opposite of my construction, requires that it shall give the rate of exchange at the respective dates of the drafts.

Very respectfully, your obedient servant,

HOWELL COBB,

Secretary of the Treasury.

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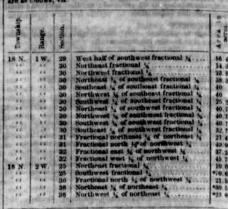
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